

§Appl. No. 09/950,003
Amdt. dated March 14, 2007
Reply to Office Action of, September 14, 2006

REMARKS

Claims 14-34, 38-53, 56-62, 64, 66, 68, 70 are pending.

Priority

Applicants hereby acknowledge that the pending claims are not entitled to the priority date of the Italian Application MI2000A000665 because the subject matter of the instant claims is new and different in kind with respect to the subject matter in the Italian Application MI2000A000665 ('665 application). Applicants do not formally withdraw the priority claim to the '665 so as to maintain continuity for the priority claim in copending, divisional application 11/030,156.

Applicants do not concede the reasons for denying the priority claim set forth by the Applicant of the copending application 10/240,606 ('606 application) in the interview with the examiner dated on February 7, 2006 (Paper No. 20060207) or the reasons set forth by the Examiner I the copending, divisional application 11/030,156 ('156 application).

Double Patenting

Cancellation of claims 14-36 in the copending '156 application will render the rejection of claims 38-62 moot.

Claims 14, 15, 17, 20-22, and 24.

The Examiner contends that said claims are not patentably distinct from claims 4-6 and 10 of the copending '606 application.

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Applicants respectfully disagree. Applicants point out that the subject matter of these claims is new and different from that of claims 4-6 and 10 of the Italian '665 application and, consequently, from the '606 application. In particular, the essential feature of these claims, not appearing in the '665 and '606 applications, is a process wherein the O-desulfation step is carried out for a period of time of 135-165, preferably about 150 minutes. A further difference consists of the possibility of carrying out a depolymerization after any one of steps (ii)-(v)

The previously presented Oreste/Zoppetti declaration ("Declaration") shows that, by carrying out said desulfation for a period of time of 150 minutes, superior and unexpected results were obtained, the final products being different in kind with respect to those described in '606 application.

These results are unexpected because they are inconsistent with what one skilled in the art would expect in view of the knowledge of the state of the art in the heparin-like field at the time of the present invention.

Thus, even by reciting the same steps - with, in addition, the option of carrying out a depolymerization after anyone of steps (ii-v) - the fact of carrying out the O-desulfation for a period of time of 135-165, preferably 150, minutes renders the process different in kind with respect to the process of claims 4-6 and 10 of the '606 application because it affords compounds which have unexpected properties with respect to those obtained by the process of claims 4-6 and 10 of the '606 application.

Claims 14, 15, 17, 20-32, 64, 66, 68, 70.

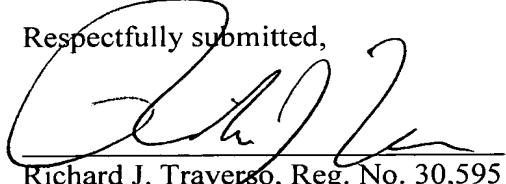
Cancellation of claims 11-46 of the divisional '156 application will render the rejection of claims 14, 15, 17, 20-32, 64, 66, 68, 70 over claims 12, 13, 37, 38, 39 and 40 of copending '156 application moot.

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The subject matter of claims 14, 15, 17, 20-32, 64, 66, 68, 70 is different in kind in respect of the subject matter of claims 4-6, 9 and 10 of the '156 application for the reasons set forth above in relation to the '606 application.

In view of the above arguments, applicants submit that the pending claims are in condition of allowance and said allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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